



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH VA 22042-2924

COPY MAILED

MAY 19 2006

OFFICE OF PETITIONS

In re Patent No. 7,066,088
Igor Guskov et al.
Issue Date: February 28, 2006
Application No. 10/066,100
Filed: January 30, 2002
Atty Docket No. 01339.0008.NPUS00

**LETTER REGARDING
PATENT TERM ADJUSTMENT**

This is in response to the letter regarding Patent Term Adjustment filed February 27, 2006, pursuant to patentees' duty of candor and good faith to the Office. Patentee states that the 365 days of patent term adjustment as indicated on the Issue Notification for the above-captioned application should be 362 days.

The request for reconsideration of the patent term adjustment indicated on the patent is **DISMISSED**.

On February 28, 2006, the application matured into U.S. Patent No. 7,006,088, with a revised patent term adjustment of 365 days.

On February 27, 2006, patentee submitted this letter, advising the Office of his belief that the patent was accorded more days of PTA than it was entitled to and questioning whether the USPTO officially interprets "four months" under 37 CFR 1.704(c)(10)(ii) as equivalent to 120 days. Patentee's argue that four months from the date drawings and an amendment, entered by the Examiner as a 1.312 amendment, were filed on May 20, 2005 would have been September 20, 2005, which is 123 days and not 120 days.

In the context of 37 CFR 1.705(c)(10), 4 months is calculated as 120 days. As there is a cap of 4 months or 120 days, the reduction of 123 days from May 20, 2005 to September 20, 2005 would be an incorrect calculation.

The application history reveals no further bases for adjustment or reduction of the term of the patent issuing from the above-identified application. In view thereof, it is concluded that the patent correctly issued with a revised patent term adjustment of 365 days.

As this letter was submitted as an advisement to the Office of an error in Patentee's favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks patentee for their good faith and candor in bringing this to the attention of the Office.

Telephone inquiries specific to this matter should be directed to Patricia Faison-Ball, Senior Petitions Attorney, at (571) 272-3212.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions